

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

TRUSTEES of the CHICAGO REGIONAL)	
COUNCIL OF CARPENTERS PENSION FUND,)	
CHICAGO REGIONAL COUNCIL OF)	
CARPENTERS WELFARE FUND, and CHICAGO)	
REGIONAL COUNCIL OF CARPENTERS)	CASE NO. 08-CV-2395
APPRENTICE & TRAINEE PROGRAM FUND)	
)	JUDGE HIBBLER
Plaintiffs,)	
)	
v.)	
)	
EAGER CONCRETE CORPORATION)	
)	
Defendant.)	

MOTION FOR DEFAULT JUDGMENT

Plaintiffs, by its attorney, David P. Lichtman, move this Honorable Court to enter Judgment by Default according to Fed. R. Civ. P. 55 for Defendant's failure to appear, answer or otherwise plead. Further, in support of this Motion the Plaintiffs state:

1. Plaintiffs filed their complaint on April 28, 2008 and the summons and complaint was personally served on Greg Korinke, registered agent, on April 30, 2008 by the Process Server. **(Exhibit A, Affidavit of Service)**

2. The Defendant has failed to appear, answer or otherwise plead within the time allowed by the Fed. R. Civ. P.

3. At all times relevant to this action, the Defendant has been bound by the provisions of a Collective Bargaining Agreement and the Trust Agreements which created the Trust Funds. Pursuant to the provisions of the Trust Agreements and the Collective Bargaining Agreement, the Defendant is required to submit monthly reports to the Trust Funds which list the number of hours worked by the Defendant's employees and to pay the ERISA contributions based on those hours.

4. The Defendant failed to remit reports and contributions for the period December 2007 through March 2008. Based on the company's previously contribution history, the Trust Funds estimate that the company owes an amount of \$12,495.80. The Defendant also failed to

remit the union dues it withheld from the employees' wages. The amount of dues withheld is \$858.12 for the period December 2007 through March 2008. **(Exhibit B, Affidavit of James Rosemeyer)**

5. The Defendant owes interest on the unpaid ERISA contributions in the amount of \$180.56 pursuant to the Trust Agreements and 29 U.S.C. §1132(g)(2)(B). **(Exhibit B, Affidavit of James Rosemeyer)**

6. The Defendant owes liquidated damages on the unpaid ERISA contributions in the amount of \$2,931.33 for the period January 2007 through March 2008 pursuant to the Collective Bargaining Agreements, the Trust Agreements and 29 U.S.C. §1132(g)(2)(C)(iii). **(Exhibit B, Affidavit of James Rosemeyer)**

7. The Defendant owes the sum of \$1,671.25 for necessary and reasonable attorney fees and costs of \$405.00 which are collectible under the terms of the Collective Bargaining Agreement, the Trust Agreements and 29 U.S.C. §1132(g)(2)(D). **(Exhibit C, Affidavit of David P. Lichtman)**

WHEREFORE, Plaintiffs pray that their motion for judgment by default be granted in the amount of **\$18,542.06** and that, within ten days, the Defendant be ordered to produce reports and contributions for the period December 2007 through March 2008.

Respectively submitted,

/s/ David P. Lichtman
Attorney for the Plaintiffs

David P. Lichtman
Attorney No. 6290051
Whitfield McGann & Ketterman
111 E. Wacker Drive
Suite 2600
Chicago, IL 60601
(312) 251-9700 Fax (312) 251-9701

EXHIBIT A

ClientCaseID: N7659 DPL
Law Firm ID: WHITFIEL



CaseReturnDate: 5/18/08

Affidavit of Special Process Server

UNITED STATES DISTRICT COURT

Case Number **08CV2395**

I, **LARRY E. BIELA**

FIRST DULY SWORN ON OATH STATES THAT I AM OVER 18 YEARS OF AGE AND NOT A PARTY TO THIS SUIT AND IS A REGISTERED EMPLOYEE OF ILLINOIS DEPARTMENT OF PROFESSIONAL REGULATION PRIVATE DETECTIVE AGENCY #117-001292 STERN PROCESS & INVESTIGATION LLC 205 W. RANDOLPH ST. #1210 CHICAGO IL 60606

CORPORATE SERVICE

THAT I SERVED THE WITHIN **SUMMONS AND COMPLAINT**
ON THE WITHIN NAMED DEFENDANT **Eager Concrete Corporation**
PERSON SERVED **GREG KORINKE REGISTERED AGENT**
BY LEAVING A COPY OF EACH WITH THE SAID DEFENDANT ON **4/30/08**

That the sex, race and approximate age of the person whom I left the **SUMMONS AND COMPLAINT**
are as follow:

Sex **MALE** Race **WHITE** Age **45**
Height **5'11** Build **HEAVY** Hair **GREY**

LOCATION OF SERVICE **697 Auburn Court**
Crystal Lake, IL, 60014

Date Of Service **4/30/08** Time of Service **7:30 AM**

LARRY E. BIELA

4/30/2008

Special Process Server
P.E.R.C.#129-215788

Under penalties of perjury as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statement are true and correct, except as to matters therein stated to be on information and belief and such matters the undersigned certifies as aforesaid that he/she verily believes same to be true.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF ILLINOIS

SUMMONS IN A CIVIL CASE

TRUSTEES OF THE CHICAGO REGIONAL
COUNCIL OF CARPENTERS PENSION
FUND, et al.

CASE NUMBER: 08 CV 2395

V.

ASSIGNED JUDGE: JUDGE HIBBLER

EAGER CONCRETE CORPORATION

DESIGNATED MAGISTRATE JUDGE SCHENKIER
MAGISTRATE JUDGE:

TO: (Name and address of Defendant)

EAGER CONCRETE CORPORATION
c/o Gregory R. Korinke, registered agent
697 AUBURN COURT
CRYSTAL LAKE, IL 60014

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

DAVID P. LICHTMAN
Whitfield McGann & Kettermann
111 E. Wacker Drive, Suite 2600
Chicago, IL 60601

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

Michael W. Dobbins, Clerk

Jacqueline Harrison

(By) DEPUTY CLERK

April 28, 2008

Date



EXHIBIT B

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

TRUSTEES of the CHICAGO REGIONAL
COUNCIL OF CARPENTERS PENSION FUND,
CHICAGO REGIONAL COUNCIL OF
CARPENTERS WELFARE FUND, and CHICAGO
REGIONAL COUNCIL OF CARPENTERS
APPRENTICE & TRAINEE PROGRAM FUND,

Plaintiffs,

v.

EAGER CONCRETE CORPORATION

Defendants.

CASE NO. 08-CV-2395

JUDGE HIBBLER

DECLARATION OF JAMES ROSEMEYER

Pursuant to 28 U.S.C. § 1746, I, James Rosemeyer, do declare under penalty of perjury that the following is true and correct:

1. I am the Manager of the Employer Contributions Department for the Chicago Regional Council of Carpenters Pension Fund and the Chicago Regional Council of Carpenters Welfare Fund (collectively, the "Trust Funds"), and in such capacity I am authorized to make this Declaration on behalf of the Trust Funds.

2. The Defendant executed an Agreement with the Chicago Regional Council of Carpenters ("Union") whereby it agreed to be bound by the provisions of a Collective Bargaining Agreement and to all Collective Bargaining Agreements subsequently negotiated.

3. Pursuant to the provisions of the Agreement and the Collective Bargaining Agreements, the Defendant agreed to be bound by the provisions of the Agreements and Declarations of Trust, which created the Plaintiffs' Trust Funds.

4. Pursuant to the provisions of the Collective Bargaining Agreements and Trust Agreements, the Defendant is required to submit monthly reports, which list the number of hours worked by its carpenter employees, and the Defendant is required to pay contributions based upon the hours listed.

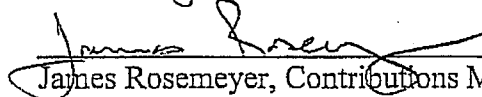
5. The Defendant failed to remit reports and contributions for the period December 2007 through March 2008. Based on the company's previous contribution history, we have estimated that the company owes \$12,495.80 in ERISA contributions. The Defendant also failed to remit the union dues it withheld from the employees' wages. The amount of dues withheld is \$858.12 for the period December 2007 through March 2008.

6. Because of its failure to pay contributions in a timely manner, the Trust Agreement and Collective Bargaining Agreement mandate the assessment of liquidated damages. The liquidated damages calculation was based on the rate set forth in the controlling Trust Agreements, which is 1.5% compounded per month. The amount of liquidated damages owed is \$2,931.33 for the period January 2007 through March 2008.

6. The interest calculation is based on the ERISA Section awarding such interest, 29 U.S.C. § 1132(g)(2) and because the relevant Trust Agreements do not specify the rate of interest, the calculations were done pursuant to Section 6621 of the Internal Revenue Code. The amount of interest owed is \$180.56.

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in this Declaration is true and correct.

Date: May 27, 2008


James Rosemeyer, Contributions Manager

24130 EAGER CONCRETE CORPORATION
 697 AUBURN COURT
 CRYSTAL LAKE IL 60014

	FRINGES	DUES	LD'S	INTEREST
Jan-07	\$0	\$0	\$79.95	\$0
Feb-07	\$0	\$0	\$425.36	\$0
Mar-07	\$0	\$0	\$321.87	\$0
Apr-07	\$0	\$0	\$360.48	\$0
May-07	\$0	\$0	\$241.37	\$0
Jun-07	\$0	\$0	\$209.37	\$0
Jul-07	\$0	\$0	\$167.51	\$0
Aug-07	\$0	\$0	\$139.36	\$0
Sep-07	\$0	\$0	\$83.74	\$0
Oct-07	\$0	\$0	\$41.86	\$0
Nov-07	\$0	\$0	\$188.99	\$0
Dec-07	\$3,123.95	\$214.53	\$241.48	\$72.27
Jan-07	\$3,123.95	\$214.53	\$191.81	\$53.42
Feb-07	\$3,123.95	\$214.53	\$143.76	\$35.90
Mar-07	\$3,123.95	\$214.53	\$94.42	\$18.97
TOTAL	\$12,495.80	\$858.12	\$2,931.33	\$180.56
MONIES OWED ON PRIOR JUDGEMENT		\$3,465.39		
TOTAL AMOUNT OWED		\$19,931.20		

Summary of Contributions, Liquidated Damages & Interest Due
For The Reporting Period(s) Specified Below
Computed Through May 27, 2008

Employer Information

File Number 24130
Name EAGER CONCRETE CORPORATION
Address 697 AUBURN COURT
City, State CRYSTAL LAKE, IL. 60014-0000
Telephone

Page Number 1 of 3
Reference Number: 8-108
Date Printed: 05/23/2008

Reporting Period	Delinquent Contributions	Liquidated Damages (1)	Interest (1)	Total Due
December, 2007	\$ 3,123.95	\$ 241.43	\$ 72.27	\$ 3,437.65
January, 2008	3,123.95	191.70	53.42	3,369.07
February, 2008	3,123.95	142.70	35.90	3,302.55
March, 2008	3,123.95	94.42	18.97	3,237.34
Grand Total	\$ 12,495.80	\$ 670.25	\$ 180.57	\$ 13,346.62

(1) See Attached Computation

Total Amount Due : \$ 13,346.62 If Paid by May 27, 2008

Computation of Liquidated Damages
For The Reporting Period(s) Specified Below
Computed Through May 27, 2008

Employer Information

File Number 24130
Name EAGER CONCRETE CORPORATION
Address 697 AUBURN COURT
City, State CRYSTAL LAKE, IL. 60014-0000
Telephone

Page Number 2 of 3
Reference Number: 8-108
Date Computed: 05/23/2008

Reporting Period	Contributions Due	Computation Base	Compounding Periods	Computed Damages (2)	Total (3) Damages For Reporting Period
December, 2007	\$ 3,123.95	\$ 3,123.95	5	\$ 241.43	\$ 241.43
January, 2008	3,123.95	3,123.95	4	191.70	191.70
February, 2008	3,123.95	3,123.95	3	142.70	142.70
March, 2008	3,123.95	3,123.95	2	94.42	94.42
Total	\$ 12,495.80				\$ 670.25

(2) 1.50% Compounded per Month (or portion thereof)

Computation of Interest
For The Reporting Period(s) Specified Below
Computed Through May 27, 2008

Employer Information

File Number 24130
Name EAGER CONCRETE CORPORATION
Address 697 AUBURN COURT
City, State CRYSTAL LAKE, IL. 60014-0000
Telephone

Page Number 3 of 3
Reference Number: 8-108
Date Computed: 05/23/2008

Reporting Period	Contributions Due	Computation Base	Delinquent Period From	To	Days	Computed Interest (3)	Total Interest For Reporting Period
December, 2007	\$ 3,123.95	\$ 3,123.95	01/21/2008	05/27/2008	128	\$ 72.27	\$ 72.27
January, 2008	3,123.95	3,123.95	02/21/2008	05/27/2008	97	53.42	53.42
February, 2008	3,123.95	3,123.95	03/21/2008	05/27/2008	68	35.90	35.90
March, 2008	3,123.95	3,123.95	04/21/2008	05/27/2008	37	18.97	18.97
Total	\$ 12,495.80						\$ 180.57

EXHIBIT C

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

TRUSTEES of the CHICAGO REGIONAL
COUNCIL OF CARPENTERS PENSION FUND,
CHICAGO REGIONAL COUNCIL OF
CARPENTERS WELFARE FUND, and CHICAGO
REGIONAL COUNCIL OF CARPENTERS
APPRENTICE & TRAINEE PROGRAM FUND

Plaintiffs,

v.

EAGER CONCRETE CORPORATION

Defendant.

CASE NO. 08-CV-2395

JUDGE HIBBLER

DECLARATION OF DAVID P. LICHTMAN

Pursuant to 28 U.S.C. § 1746, I, David P. Lichtman, do declare under penalty of perjury that the following is true and correct:

1. I am an associate in the law firm of Whitfield McGann & Ketterman and one of the attorneys for Plaintiffs in the above captioned matter. I am licensed to practice law in the State of Illinois and for the United States District Court for the Northern District of Illinois. I make this Declaration in support of Plaintiffs' Motion for Default Judgment.

2. I have personal knowledge of the facts stated herein and am competent to give testimony as recited herein and from my own personal knowledge.

3. The Collective Bargaining Agreement and the Trust Agreements under which this action is based provide for the payment of liquidated damages, audit fees and attorneys' fees and costs incurred for failure of a signatory contractor to pay contributions in accordance with those Agreements.


4. I, David P. Lichtman, have devoted 9.55 hours in connection with the above-captioned case at the rate of \$175.00 per hour. My total billings are \$1,671.25.

5. In addition, the filing fee was \$350.00 and the fees for service of process were an additional \$55.00. These costs total \$405.00.

6. I certify that the attached detailed attorney fees and costs totaling \$2,076.25 were necessary and reasonable.

7. Notice of this Motion for Default was given to Defendant by mailing a copy of the same to Gregory R. Korinke, registered agent, at 697 Auburn Court, Crystal Lake, IL 60014.

Dated May 27, 2008


David P. Lichtman

Attorney for the Plaintiffs
Whitfield McGann & Kettermann
111 E. Wacker Drive
Suite 2600
Chicago, IL 60601
(312) 251-9700, Fax (312) 251-9701
dlichtman@whitfield-mcgann.com
Attorney No. 6290051

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Slip Listing

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Selection Criteria

Slip Date Earliest - 5/27/2008
 Slip Classification Open
 Case (hand select) Include: CTF-C./N7659/24130

Rate Info - identifies rate source and level

Slip ID	Dates and Time	Posting Status	Description	ATTORNEY Activity Case Reference	Units DNB Time Est. Time Variance	Rate Rate Info Bill Status	Slip Value
356753	TIME			DPL	2.00	175.00	350.00
	4/25/2008			Billable	0.00	T@7	
	Billed	G:73388	5/1/2008	CTF-C./N7659/24130	0.00		
			Prepared summons, complaint, appearance forms and civil cover sheet for Trust Funds' claims and compliance matters pursuant to ERISA Sec. 1132, 1145 and THA Sec. 301.		0.00		
356754	TIME			DPL	0.50	175.00	87.50
	4/25/2008			Billable	0.00	T@7	
	Billed	G:73388	5/1/2008	CTF-C./N7659/24130	0.00		
			Review referral from Trust funds on 04/24/08; prepare file; review corporate status and registered agent information for legal process.		0.00		
356762	TIME			CPW	0.00	130.00	00.00
	4/25/2008			Lewis	0.00	A@1	
	Billed	G:73388	5/1/2008	CTF-C./N7659/24130	0.00		
			Search Illinois Secretary of State database for corporate information including registered agent of the corporation for purposes of service; search for related companies; perform asset search of company and principals.		0.00		
356912	TIME			DPL	0.40	175.00	70.00
	4/28/2008			Billable	0.00	T@7	
	Billed	G:73388	5/1/2008	CTF-C./N7659/24130	0.00		
			Review complaint filed at the Federal Court; enter pertinent information (e.g., filing date, case number and assigned judge) into database; review judge's standing order regarding pre-trial litigation, motion practice and status hearing dates; update file/database regarding same.		0.00		
356913	TIME			DPL	1.00	175.00	175.00
	4/28/2008			Billable	0.00	T@7	
	Billed	G:73388	5/1/2008	CTF-C./N7659/24130	0.00		
			Prepare correspondence to legal process server Scott Forrest Stern & Associates, Inc.		0.00		

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Slip Listing

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Slip ID	Dates and Time	Posting Status	ATTORNEY Activity Case Reference	Units DNB Time Est. Time Variance	Rate Rate Info Bill Status	Slip Value
			regarding service of the summons and complaint on the defendant; prepare correspondence to James Rosemeyer, ERISA Contributions Manager, Chicago District Council of Carpenters' Trust Funds regarding the filing of the complaint; enclose copy of the summons and complaint; docket follow-up dates for service.			
357441	EXP		CPW \$DC CTF-C./N7659/24130	1	350.00	350.00
	5/1/2008					
	WIP					
	FILING FEE (4/28/08)					
357302	TIME		DPL Billable CTF-C./N7659/24130	0.20 0.00 0.00 0.00	175.00 T@7	35.00
	5/5/2008					
	WIP					
	Review e-mail sent by the U.S. Dist. Court for the Northern Dist. of Illinois regarding the proof of filing the summons returned as executed; download documents to the file folder; print document and enclose in file.					
357298	TIME		DPL Billable CTF-C./N7659/24130	0.10 0.00 0.00 0.00	175.00 T@7	17.50
	5/5/2008					
	WIP					
	Prepare correspondence to Trust Fund Manager James T. Rosemeyer and Rich Oginski, Trust Fund Field Rep., regarding service of the complaint.					
357297	TIME		DPL Billable CTF-C./N7659/24130	0.40 0.00 0.00 0.00	175.00 T@7	70.00
	5/5/2008					
	WIP					
	Review Scott Forrest Stern & Associates, Inc.'s report on service of the summons and complaint; review process server remarks regarding details of service; review affidavit of service for legality; electronically file the proof of service with the clerk of the U.S. District Court for the Northern Dist. of Illinois; docket follow-up dates for Answer due date.					
357909	TIME		DPL Billable CTF-C./N7659/24130	0.50 0.00 0.00 0.00	175.00 T@7	87.50
	5/16/2008					
	WIP					
	Draft correspondence to James Rosemeyer, ERISA Contributions Manager, Chicago District Council of Carpenters' Trust Funds requesting a breakdown of all ERISA fringe benefit contributions owed and the accompanying calculation of liquidated					

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Slip Listing

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Slip ID		ATTORNEY	Units	Rate	Slip Value
Dates and Time		Activity	DNB Time	Rate Info	
Posting Status		Case	Est. Time	Bill Status	
Description		Reference	Variance		
damages and interest pursuant to the terms of the trust agreements and Internal Revenue Code.					
358307	TIME	DPL	1.00	175.00	175.00
5/23/2008		Billable	0.00	T@7	
WIP		CTF-C./N7659/24130	0.00		
Prepare affidavit for Trust Fund Manager James T. Rosemeyer in support of the Trust Funds' motion for default judgment; affidavit to support claim for ERISA fringe benefit contributions, and calculation of liquidated damages and interest pursuant to the terms of the trust agreements and Internal Revenue Code; prepare correspondence to Rosemeyer regarding the affidavit and request for execution.			0.00		
358308	TIME	DPL	2.00	175.00	350.00
5/23/2008		Billable	0.00	T@7	
WIP		CTF-C./N7659/24130	0.00		
Review court file to determine if Answer filed; review office file for Answer; confirm Answer due dates; review U.S. District Court web site to verify the date and time that the presiding Judge hears motions; prepare motion for default judgment pursuant to F. Rul. Civ. P. 55 for failure to answer or otherwise plead.			0.00		
358309	TIME	DPL	0.10	175.00	17.50
5/23/2008		Billable	0.00	T@7	
WIP		CTF-C./N7659/24130	0.00		
Telephone conversation with Rich Oginski, Trust Fund Field Rep., regarding proceeding with the motion for default judgment.			0.00		
358310	TIME	DPL	0.50	175.00	87.50
5/23/2008		Billable	0.00	T@7	
WIP		CTF-C./N7659/24130	0.00		
Prepare a proposed judgment in support of the Trust Funds motion; calculate all amounts owed.			0.00		
358311	TIME	DPL	0.75	175.00	131.25
5/23/2008		Billable	0.00	T@7	
WIP		CTF-C./N7659/24130	0.00		
Review file for all entries for the attorney billings and costs incurred; compare with work performed on the file; prepare attorney fee declaration / affidavit and exhibits; incorporate amounts into themotion and			0.00		

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Slip Listing

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Slip ID	ATTORNEY	Units	Rate	Slip Value
Dates and Time	Activity	DNB Time	Rate Info	
Posting Status	Case	Est. Time	Bill Status	
Description	Reference	Variance		
judgment order; prepare the document for electronic filing.				
358314	DPL	0.10	175.00	17.50
5/23/2008	Billable	0.00	T@7	
WIP	CTF-C./N7659/24130	0.00		
Receive and review document from Rich Oginski, Trust Fund Field Rep. regarding summary of contributions, liquidated damages, and interest due for the period December 2007 through March 2008.		0.00		
Grand Total				
	Billable	9.85		2060.25
	Unbillable	0.00		0.00
	Total	9.85		2060.25

Hours - 9.55 hrs @ \$175.00 = \$1,671.25
 Fee - Filing \$350.00
 Costs - Service \$55.00
 Total \$2,076.25

STERN PROCESS & INVESTIGATION, LLC

TaxId:04-3801615

205 W. RANDOLPH ST 730
CHICAGO, IL, 60606

Phone:(312) 853 - 2150 Fax:(312) 853 - 3119

WHITFIELD, MCGANN & KETTERMAN111 E WACKER DRIVE 2600
CHICAGO, IL, 60601

Phone (312)-251-9700

Fax (312)-251-9701

Plaintiff: Trustees of the Chicago Regional Council of Carpenters Pension Fund, et al. Client Case# N7659 DPL Court Case# 08CV2395
County: UNITED STATES DISTRICT COURT

Invoice# 184260**Server Name:**

LARRY E. BIELA

Defendant 1: Eager Concrete Corporation

CORPORATE SERVICE

GREG KORINKE REGISTERED AGENT

Defendant 2:**Date of Service:** 4/30/2008**Service Time:**7:30:00
AM**Invoice Date:**

4/30/2008

Final Invoice Date:

5/5/2008

Location of Service 697 Auburn Court , Crystal Lake, IL, 60014

Delivery Charge	Bad Address	Filing	Database Charge	Skip Trace	Rush	Investigation	Mileage	Total
\$55.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$55.00

Case Return Date:

5/18/2008

Payment Date:**Amount Received:**

\$0.00

Check No:

Grand Total: \$55.00
Amount Received: \$0.00
Balance Due: \$55.00